

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
BIG LOTS, INC., <i>et al.</i> ,	:	Case No. 24-11967 (BLS)
	:	
Debtors. ¹	:	(Joint Administration Requested)
	:	
	:	Obj. Date: December 27, 2024 at 4:00 p.m. (ET)
	:	Hearing Date: TBD

**COMMODORE REALTY, LLC’S AND G&I IV SOUTHGATE SHOPPING CENTER,
LLC’S RESERVATION OF RIGHTS AND JOINDER REGARDING DEBTORS’
SEVENTH NOTICE OF FILING OF LIST OF ADDITIONAL CLOSING
STORES PURSUANT TO THE FINAL ORDER (I) AUTHORIZING DEBTORS
TO ASSUME THE CONSULTING AGREEMENT, (II) AUTHORIZING STORE
CLOSING SALES AND APPROVING RELATED PROCEDURES,
AND (III) GRANTING RELATED RELIEF**

Commodore Realty, LLC (“**Commodore**”) and G&I IX Southgate Shopping Center LLC (“**G&I**”) (each a “**Landlord**”), by undersigned counsel, file this Reservation of Rights and Joinder Regarding Debtors’ Seventh Notice, in support, state:

I. BACKGROUND

1. On September 9, 2024 (the “**Petition Date**”), each Debtor commenced a case by filing a petition for relief under chapter 11 of the Bankruptcy Code in this Court. Those chapter 11 cases have been consolidated for procedural purposes only and are being jointly administered.

2. Commodore, as landlord, is a party to an unexpired, non-residential real property lease for Store No. 529 with a premises at 565 U.S. Highway 41 Bypass North, Venice, Florida 34285 (the “**Premises**”).

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin/Granville Road, Columbus, OH 43081

3. G&I, as landlord, is a party to an unexpired, non-residential real property lease for Store No. 522 with a premises at 5201 U.S. Highway 19, New Port Richey, Florida 34652 (the “**Premises**”).

4. There was a status conference requested by certain landlords and held on December 19, 2024, at which the Debtors announced that the sale of substantially all of their assets to Nexus Capital Management, L.P. (“**Nexus**”) has been aborted and requested and obtained the Court’s permission to commence going-out-of-business (“**GOB**”) sales immediately to liquidate inventory at all remaining stores. The Debtors filed their Seventh Notice on December 19, 2024 at ECF No. 1397, which lists Store Nos. 522 and 529 as remaining stores where GOB sales are being conducted.

5. GOB sales commenced at each store location starting the weekend of December 20, 2024. Undersigned counsel has been in contact with counsel of Gordon Brothers Retail Partners, LLC to discuss a potential side letter and modification of store closing procedures by the liquidator. The parties were unable to agree on limitations on abandonment of personalty and surrender of each of the Premises in broom-clean condition in accordance with the terms of each lease. This is particularly concerning to each Landlord as these estates may be administratively insolvent and any potential claim for cleanup may be worthless.

II. RESERVATION OF RIGHTS

6. Landlords, therefore, reserve their rights to pursue modifications of the store closing procedures given the change in circumstances here and their right to pursue appropriate administrative claims relating thereto.

III. JOINDER

7. Landlords join with similarly situated landlords to the extent objections are not inconsistent with the relief sought here.

WHEREFORE, Commodore Realty, LLC and G&I IX Southgate Shopping Center LLC request that the Court sustain its Limited Objection and enter an order in conformity with this Reservation of Rights and Joinder, and grant such other relief as may be just.

Dated: December 27, 2024

OFFIT KURMAN, P.A.

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